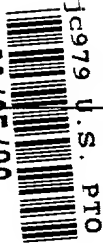


2-28-2

A

02/25/02

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

Our Docket No.: A792.12-0015

Date: February 25, 2002

First Named Inventor: Nicholas P. Van Brunt et al.

Title: METHOD AND APPARATUS FOR INDUCING SPUTUM  
SAMPLES FOR DIAGNOSTIC EVALUATION

Express Mail No.: EL328156403US



## APPLICATION ELEMENTS

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 202311. ☒ Fee Calculation Sheet  
(Submit an original and a duplicate for fee processing)2. ☒ Applicant claims small entity status3. ☒ Specification Total Pages [17]

- Descriptive title of the invention
- Cross References to Related Applications
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claims
- Abstract of the Disclosure

4. ☒ Drawings (35 U.S.C. 113) Total Sheets [5]5. ☒ Oath or Declaration Total Pages [2]

- a. ☐ Newly Executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. 1.63(d) - for continuation/divisional with Box 18 completed)

## [Mark Box 5 below]

I. ☐ DELETION OF INVENTOR(S)Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b)6. ☒ Application Data Sheet. See 37 CFR 1.76.7. ☐ CD-ROM or CD-R in duplicate, large  
table or Computer Program (Appendix)8. Nucleotide and/or Amino Acid Sequence Submission  
(If applicable, all necessary)

- a. ☐ Computer Readable Copy (CRF)
- b. Specification Sequence Listing on:
  - i. ☐ CD-ROM or CD-R (2 copies; or
  - ii. ☐ Paper
- c. ☐ Statements verifying identify of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))  
(copy)10. ☐ 37 C.F.R. 3.73(b) Submission☐ Power of Attorney11. ☐ English Translation Document (if applicable)12. ☒ Information Disclosure Statement with copies of  
Citations as necessary13. ☐ Preliminary Amendment Total Pages ☐14. ☒ Return Receipt Postcard (Should be specifically  
itemized)15. ☐ Certified Copy of Priority document(s) (If foreign  
priority is claimed)16. ☐ Request and Certification under 35  
U.S.C.122(b)(2)(B)(i). (Nonpublication Request)17. ☐ Other18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an  
Application Data Sheet under 37 CFR 1.76:☒ Continuation ☐ Division ☐ Continuation-in-part (CIP) of prior Application No. 09/387,312

Prior Application Information: Examiner Pamela Wingood Group Art Unit 3736

For CONTINUATION OR DIVISIONAL APPS only The entire disclosure of the prior application, from which an oath or declaration is supplied under  
Box 5b is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference The  
incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts

## 19. CORRESPONDENCE ADDRESS

ATTY NAME  
AND REG. NO.David R. Fairbairn,  
Reg. No. 26,047

SIGNATURE:

ADDRESS

Kinney & Lange, P.A.  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002

TELEPHONE

(612) 339-1863

FAX: (612) 339-6580

FEE TRANSMITTAL		Complete if Known																																																																																																																																											
		Application No.																																																																																																																																											
		Filing Date	Herewith																																																																																																																																										
		First Named Inventor	Nicholas P. Van Brunt																																																																																																																																										
		Group Art Unit																																																																																																																																											
		Examiner Name																																																																																																																																											
Total Amount of Payment \$595.00		Atty. Docket Number	A792.12-0015																																																																																																																																										
METHOD OF PAYMENT (Check One)		FEE CALCULATION (Continued)																																																																																																																																											
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No. 11-0982. Deposit Account Name: Kinney & Lange, P.A.		<b>3. ADDITIONAL FEES</b>  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - Late filing fee or oath</td><td>*</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td>*</td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td>*</td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For Filing a Request for Reexamination</td><td>*</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td>*</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td>*</td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td>*</td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td>*</td></tr> <tr><td>128</td><td>1,960</td><td>280</td><td>980</td><td>Extension for reply within fifth month</td><td>*</td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td>*</td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td>*</td></tr> <tr><td>148</td><td>110</td><td>248</td><td>55</td><td>Terminal Disclaimer Fee</td><td>*</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td>*</td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td>*</td></tr> <tr><td>142</td><td>1,310</td><td>242</td><td>670</td><td>Utility/Reissue issue fee (inc advance copies)</td><td>*</td></tr> <tr><td>143</td><td>490</td><td>243</td><td>260</td><td>Design issue fee (inc advance copies)</td><td>*</td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td>*</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td>*</td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Statement</td><td>*</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td>*</td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td>*</td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td>*</td></tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee paid	105	130	205	65	Surcharge - Late filing fee or oath	*	127	50	227	25	Surcharge - late provisional filing fee or cover sheet	*	139	130	139	130	Non-English specification	*	147	2,520	147	2,520	For Filing a Request for Reexamination	*	115	110	215	55	Extension for reply within first month	*	116	400	216	200	Extension for reply within second month	*	117	920	217	460	Extension for reply within third month	*	118	1,440	218	720	Extension for reply within fourth month	*	128	1,960	280	980	Extension for reply within fifth month	*	120	320	220	160	Filing a brief in support of an appeal	*	121	280	221	140	Request for oral hearing	*	148	110	248	55	Terminal Disclaimer Fee	*	140	110	240	55	Petition to revive - unavoidable	*	141	1,280	241	640	Petition to revive - unintentional	*	142	1,310	242	670	Utility/Reissue issue fee (inc advance copies)	*	143	490	243	260	Design issue fee (inc advance copies)	*	122	130	122	130	Petitions to the Commissioner	*	123	50	123	50	Petitions related to provisional applications	*	126	180	126	180	Submission of Information Disclosure Statement	*	581	40	581	40	Recording each patent assignment per property (times number of properties)	*	179	740	279	370	Request for Continued Examination (RCE)	*	Other fee (specify) _____					*
Large Entity Fee Code	Large Entity Fee (\$)			Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee paid																																																																																																																																						
105	130	205	65	Surcharge - Late filing fee or oath	*																																																																																																																																								
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	*																																																																																																																																								
139	130	139	130	Non-English specification	*																																																																																																																																								
147	2,520	147	2,520	For Filing a Request for Reexamination	*																																																																																																																																								
115	110	215	55	Extension for reply within first month	*																																																																																																																																								
116	400	216	200	Extension for reply within second month	*																																																																																																																																								
117	920	217	460	Extension for reply within third month	*																																																																																																																																								
118	1,440	218	720	Extension for reply within fourth month	*																																																																																																																																								
128	1,960	280	980	Extension for reply within fifth month	*																																																																																																																																								
120	320	220	160	Filing a brief in support of an appeal	*																																																																																																																																								
121	280	221	140	Request for oral hearing	*																																																																																																																																								
148	110	248	55	Terminal Disclaimer Fee	*																																																																																																																																								
140	110	240	55	Petition to revive - unavoidable	*																																																																																																																																								
141	1,280	241	640	Petition to revive - unintentional	*																																																																																																																																								
142	1,310	242	670	Utility/Reissue issue fee (inc advance copies)	*																																																																																																																																								
143	490	243	260	Design issue fee (inc advance copies)	*																																																																																																																																								
122	130	122	130	Petitions to the Commissioner	*																																																																																																																																								
123	50	123	50	Petitions related to provisional applications	*																																																																																																																																								
126	180	126	180	Submission of Information Disclosure Statement	*																																																																																																																																								
581	40	581	40	Recording each patent assignment per property (times number of properties)	*																																																																																																																																								
179	740	279	370	Request for Continued Examination (RCE)	*																																																																																																																																								
Other fee (specify) _____					*																																																																																																																																								
2. <input checked="" type="checkbox"/> Check Enclosed		Subtotal (3) \$																																																																																																																																											
FEE CALCULATION																																																																																																																																													
<b>1. BASIC FILING FEE</b>  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>101</td><td>740</td><td>201</td><td>370</td><td><input checked="" type="checkbox"/> Utility Filing Fee</td></tr> <tr><td>106</td><td>330</td><td>206</td><td>165</td><td><input type="checkbox"/> Design Filing Fee</td></tr> <tr><td>108</td><td>740</td><td>208</td><td>370</td><td><input type="checkbox"/> Reissue Filing Fee</td></tr> <tr><td>114</td><td>160</td><td>214</td><td>80</td><td><input type="checkbox"/> Prov Filing Fee</td></tr> <tr><td colspan="5" style="text-align: right;">Subtotal (1) \$370.00</td></tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	101	740	201	370	<input checked="" type="checkbox"/> Utility Filing Fee	106	330	206	165	<input type="checkbox"/> Design Filing Fee	108	740	208	370	<input type="checkbox"/> Reissue Filing Fee	114	160	214	80	<input type="checkbox"/> Prov Filing Fee	Subtotal (1) \$370.00																																																																																																																		
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description																																																																																																																																									
101	740	201	370	<input checked="" type="checkbox"/> Utility Filing Fee																																																																																																																																									
106	330	206	165	<input type="checkbox"/> Design Filing Fee																																																																																																																																									
108	740	208	370	<input type="checkbox"/> Reissue Filing Fee																																																																																																																																									
114	160	214	80	<input type="checkbox"/> Prov Filing Fee																																																																																																																																									
Subtotal (1) \$370.00																																																																																																																																													
<b>2. EXTRA CLAIM FEES</b>  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Number Claims</th> <th>Prior**</th> <th>Extra</th> <th>Fee from Below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total</td> <td>45</td> <td>20</td> <td>= 25</td> <td>x 9 = 225</td> <td></td> </tr> <tr> <td>Indep.</td> <td>3</td> <td>3</td> <td>= 0</td> <td>x 0 = 0</td> <td></td> </tr> <tr> <td>Multiple Dependent Claims</td> <td></td> <td></td> <td>= *</td> <td></td> <td></td> </tr> </tbody> </table> <p>**Insert 3 and 20, or number previously paid if greater, Reissue see below</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Description</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td></tr> <tr><td>102</td><td>84</td><td>202</td><td>42</td><td>Independent claims in excess of 3</td></tr> <tr><td>104</td><td>280</td><td>204</td><td>140</td><td>Multiple Dependent Claim</td></tr> <tr><td>109</td><td>84</td><td>209</td><td>42</td><td>Reissue Independent Claims Over Original Patent</td></tr> <tr><td>110</td><td>18</td><td>210</td><td>9</td><td>Reissue claims in excess of 20 and over original patent</td></tr> <tr><td colspan="5" style="text-align: right;">Subtotal (2) \$225.00</td></tr> </tbody> </table>			Number Claims	Prior**	Extra	Fee from Below	Fee Paid	Total	45	20	= 25	x 9 = 225		Indep.	3	3	= 0	x 0 = 0		Multiple Dependent Claims			= *			Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Description	103	18	203	9	Claims in excess of 20	102	84	202	42	Independent claims in excess of 3	104	280	204	140	Multiple Dependent Claim	109	84	209	42	Reissue Independent Claims Over Original Patent	110	18	210	9	Reissue claims in excess of 20 and over original patent	Subtotal (2) \$225.00																																																																																					
	Number Claims	Prior**	Extra	Fee from Below	Fee Paid																																																																																																																																								
Total	45	20	= 25	x 9 = 225																																																																																																																																									
Indep.	3	3	= 0	x 0 = 0																																																																																																																																									
Multiple Dependent Claims			= *																																																																																																																																										
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Description																																																																																																																																									
103	18	203	9	Claims in excess of 20																																																																																																																																									
102	84	202	42	Independent claims in excess of 3																																																																																																																																									
104	280	204	140	Multiple Dependent Claim																																																																																																																																									
109	84	209	42	Reissue Independent Claims Over Original Patent																																																																																																																																									
110	18	210	9	Reissue claims in excess of 20 and over original patent																																																																																																																																									
Subtotal (2) \$225.00																																																																																																																																													

Signature David R. Fairbairn Reg. No. 26,047  
 Date 2/25/02 Deposit Account No. 11-0982